

Entered - 03/05/99 - sb  
CL99L0131 - DIANNE C. MITCHELL

00-R-1523

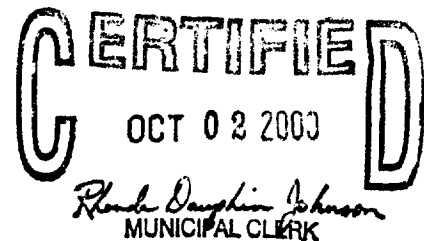
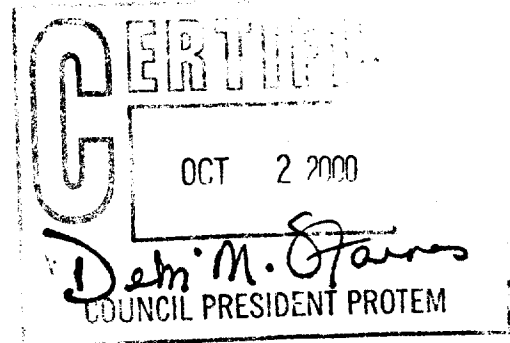
CLAIM OF: **ALLAN WALLER**  
3800 Ivey Road, NE  
Atlanta, Georgia 30342

For damages alleged to have been sustained as a result of property damage  
due to sewer back ups occurring on February 11, 1999 and March 27, 1999  
at 3800 Ivey Road, NE.

THIS ADVERSED REPORT IS APPROVED

BY: *Rosalind Rubens Newell*  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

✓- Public Safety  
9/24/99  
Cela Henderson  
Markus S. S.  
Callywood



CONSENT AGENDA

ADVERSED BY  
CITY COUNCIL OCT 02 2000



## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

October 9, 2000

Allan Waller  
3800 Ivey Rd., NE  
Atlanta, GA 30342

00-R-1523

Dear Mr. Waller:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on October 02, 2000. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Sincerely,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

**DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY**

Claim No. 99L0131

Date: September 8, 2000

Claimant /Victim ALLAN WALLER

BY: (Atty.) (Ins. Co.) \_\_\_\_\_

Address: 3800 Ivey Road, NE, Atlanta, Georgia 30342

Subrogation: \_\_\_\_\_ Claim for Property damage \$ not stated Bodily Injury \$ \_\_\_\_\_

Date of Notice: 03/04/99 Method: Written, proper X Improper \_\_\_\_\_

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 02/11/99 & 03/27/99 Place: 3800 Ivey Road, NE

Department Public Works Division: Sewer Operations

Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: The claimant alleges he incurred property damage due to sewer back ups occurring on the above dates. The claimant has filed a lawsuit to resolve the issues raised in his claim.

**INVESTIGATION:**

Statements: City employee X Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral X

Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report X Other \_\_\_\_\_

Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

**BASIS OF RECOMMENDATION:**

Function: Governmental X Ministerial \_\_\_\_\_

Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other X Damages reasonable \_\_\_\_\_

City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_

Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_

Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - DIANNE C. MITCHELL

**RECOMMENDATION:**

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_

Claims Manager:  Concur/date 09-08-00

Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK

City Hall  
55 Trinity Avenue, S.W.  
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date: 4/12/99

*Mitchell*  
*04/16/99*  
*D*

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ \_\_\_\_\_ property and/or \$ \_\_\_\_\_ bodily injury for which I contend the City is liable.

1. Date of incident: 3/27/99 2. Time of Incident: 11:55AM 3. Police called: \_\_\_\_\_  
(month/day/year) Yes No
4. Location of incident (including street address): 3800 Ivy Rd. NT, Atlanta, GA 30342
5. Name of your insurance company: Cincinnati Ins. Co. Policy No. HR 8689180
6. State what and how incident occurred: On 3/27 we suffered another raw sewage backup.  
These events have made our home inhabitable.

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: \_\_\_\_\_  
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: \_\_\_\_\_  
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: \_\_\_\_\_  
(Name) (Address) (Telephone Number)

10. The acknowledgement of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

*Allan Waller*

Signature of Claimant

ALLAN WALLER

(Print Claimant's Name)

3800 Ivy Rd. NE

Address

Atlanta, GA 30342

(City State and Zip Code)

404 237 5770

(Work Number)

(Home Number)

COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK

City Hall  
55 Trinity Avenue, S.W.  
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date: \_\_\_\_\_

Mitchell  
03/04/99

Dear Municipal Clerk:

ENTERED - 3-5-99 - SB

99L0131 - DIANNE MITCHELL

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ \_\_\_\_\_ property and/or \$ \_\_\_\_\_ bodily injury for which I contend the City is liable.

1. Date of incident: 2/11/99 2. Time of Incident: 11:35 AM 3. Police called: Yes X  
(month/day/year)

4. Location of incident (including street address): 3800 Ivy Rd. NE, Atlanta, GA 30342

5. Name of your insurance company: Cincinnati Ins. Co. Policy No. HR 8689180

6. State what and how incident occurred: Sewer backed up on ground floor. Sewer Department arrived around 1PM, tried to stop flow on main line but main line had backed up. Caused it to surge up my house connection causing flow to come into the commode. This began around 11:30AM and was stopped around 1:25PM.

- ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: \_\_\_\_\_ (Make) \_\_\_\_\_ (Year) \_\_\_\_\_ (Tag Number) \_\_\_\_\_ (Driver's Name)

City vehicle: \_\_\_\_\_ (Make) \_\_\_\_\_ (City Driver's Name) \_\_\_\_\_ (Department/Bureau)

9. Witness: \_\_\_\_\_ (Name) \_\_\_\_\_ (Address) \_\_\_\_\_ (Telephone Number)

10. The acknowledgement of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by state law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

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I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Allan Waller  
Signature of Claimant

ALLAN WALLER  
(Print Claimant's Name)

3800 Ivy Rd NE  
(Address)

Atlanta, GA 30342  
(City, State and Zip Code)

404 237 5770  
(Work Number) (Home Number)

00-R -1523

RCS# 2255  
10/02/00  
1:44 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1-17

RECONSIDER

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 2

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

Y McCarty	B Dorsey	Y Moore	Y Thomas	ITEM (S) REMOVED FROM <u>CONSENT AGENDA</u> 00-O-1390 00-O-1567 00-R-1480 00-R-1571 00-R-1574
Y Starnes	Y Woolard	B Martin	Y Emmons	
Y Bond	Y Morris	Y Maddox	Y Alexander	
Y Winslow	Y Muller	Y Boazman	NV Pitts	

CONSENT

COUNCIL PRESIDENT PROTEM DEBI STARNES PRESIDED.

RCS# 2286  
10/02/00  
4:58 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1-17

RECONSIDERATION

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 2

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ITEM (S) REMOVED FROM  
CONSENT AGENDA

00-O-1390  
00-O-1567  
00-R-1480  
00-R-1571  
00-R-1574

CONSENT

		10/02/00 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
1. 00-O-1393 2. 00-O-0758 3. 00-O-1341 4. 00-O-1453 5. 00-O-1326 6. 00-O-1327 7. 00-O-1328 8. 00-O-1329 9. 00-O-1301 10. 00-O-0263 11. 00-O-0979 12. 00-O-1311 13. 00-O-1418 14. 00-O-1566 15. 00-O-1417 16. 00-O-1114 17. 00-O-1561 18. 00-R-1486 19. 00-R-1490 20. 00-R-1524 21. 00-R-1525 22. 00-R-1572 23. 00-R-1483 24. 00-R-1484 25. 00-R-1552 26. 00-R-1310 27. 00-R-1466 28. 00-R-1467 29. 00-R-1469 30. 00-R-1563 31. 00-R-1549 32. 00-R-0977 33. 00-R-1297 34. 00-R-1495 35. 00-R-1461 36. 00-R-1464	37. 00-R-1470 38. 00-R-1471 39. 00-R-1472 40. 00-R-1476 41. 00-R-1477 42. 00-R-1481 43. 00-R-1497 44. 00-R-1498 45. 00-R-1499 46. 00-R-1500 47. 00-R-1501 48. 00-R-1502 49. 00-R-1503	50. 00-R-1504 51. 00-R-1505 52. 00-R-1506 53. 00-R-1507 54. 00-R-1508 55. 00-R-1509 56. 00-R-1510 57. 00-R-1511 58. 00-R-1512 59. 00-R-1513 60. 00-R-1514 61. 00-R-1515 62. 00-R-1516 63. 00-R-1517 64. 00-R-1518 65. 00-R-1519 66. 00-R-1520 67. 00-R-1521 68. 00-R-1522 69. 00-R-1523